

Notice of Allowability

Application No.

09/224,583

Examiner

Michael N. Opsasnick

Applicant(s)

BEUTNAGEL ET AL.

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to after final response received on 7/6/2004.
2. ☒ The allowed claim(s) is/are 20-25, 41, 42, 52-56 and 66-70. (now 3-8, 1-2, 9-18, resp.)
3. ☒ The drawings filed on 31 December 1998 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____.
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

W. R. YOUNG
PRIMARY EXAMINER

DETAILED ACTION

Allowable Subject Matter

1. Claims 20-25, 41, 42, 52-56, 66-70 are allowable over the prior art of record.

2. The following is an examiner's statement of reasons for allowance:

As per independent claims 20 and 41, the claim language pertaining to, deriving from a decoded text to speech data stream, phoneme information into a converter to convert to fap information, and then combining this information with face model information (as depicted in figures 2 and 3), are not explicitly taught by the prior art of record.

With respect to the prior art of record, Applicant's Admitted Prior Art(the prior art sections of applicant's spec., pp. 1-3, pertaining to the MPEG 4 standard) teaches a TTS stream input into a decoder, thru a synthesizer, and into a compositor (see Fig. 1 of applicant's specification). Furthermore, applicant's admitted prior art teaches FAPS and a FACE model into a FRM to be input to the compositor (Fig. 1). Applicant's admitted prior art also teaches the definition of the FAP's (pp 2 of applicant's specification), including 10 groups of parameters (ranging from different parts of the face, along with viseme information). The information with respect to the FAP's is used along with decoded audio information, to produce an animated video synthesized with the audio (applicant's admitted prior art, pp. 3, lines 22-26). Applicant's admitted prior art does

Art Unit: 2655

not explicitly teach the use of phonemes, derived from the decoded output of the TTS stream, to provide more FAP information into the FRM (into the COMPOSITOR) for synthesis. Bothe (Audio to Audio-Video Speech Conversion with the Help of Phonetic Knowledge Integration (IEEE, Jan. 1997), teaches the derivation of phonemes from a TTS stream (using a transform) to influence the animation of the phoneme (Fig. 1, pp 1632, second column; pp 1635, second column – page 1637, end of second column before 'Conclusion and Future Work).

However, neither reference teaches the use of phonemes, derived from the "tts stream decoder" output, generating FAPS to be input into the FRM, for eventual synthesis, as claimed in the independent claims noted above.

With respect to independent claims 52 and 66, the claim limitations pertaining to the transition path equation is not explicitly taught by the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872 9314,

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

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Art Unit: 2655

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

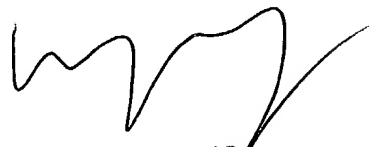
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (703)305-4089, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To, can be reached at (703)305-4827. The facsimile phone number for this group is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno
8/17/2004



W. R. YOUNG
PRIMARY EXAMINER

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